IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3106 of 2005

Bharat Kumar Modi and Ors.. Applicants

V/s

India Securities Ltd. and Ors..Respondents

Ms.S.D.Khot for Applicants

Mr.S.R.Shinde for State

CORAM:SMT.V.K.TAHILRMANI,J.

DATED:3rd August 2005

P.C.:-

1. Heard the learned advocate for the Applicants, and the learned A.P.P. for the State.

2. The Applicants has prayed for quashing of complaint and the proceeding relating to Criminal Case NO.2228/SS/05 which is pending in the Court of learned Additional Chief Metropolitan Magistrate, 33rd Court at Ballard Pier, Bombay. In the said case, process has been issued against the Applicants under Section 138 read with 141 of Negotiable Instrument Act.

3. The learned Advocate for the applicants has submitted that the learned Magistrate erred in issuing process against the applicants. He has further submitted that if order issuing process is quashed the proceedings in respect of Case No.2228/SS/05 would come to an end.

4. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No. 213 of 2005 and order dated 21st June 2005 passed in Criminal application NO.550 of 2005, I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicants to prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

5. Liberty is granted to the Applicants to prefer revision before the concerned Sessions Court. The learned Advocate for the Applicants states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

6. On the necessary revision being preferred by the Applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

7. Office to issue an authenticated copy of this order to the parties.

8. Petition is disposed of.

(SMT.V.K.TAHILRAMANI,J.)

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